

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

v.

CASE NO. 8:17-CR-91-T-17AAS

KEVIN POLITE.

ORDER

This cause is before the Court on:

Dkt. 89 Motion for Time Credit While in Custody and Monitored by
Ankle Monitor

Defendant Kevin Polite, *pro se*, requests that the Court order prior custody credit time to be granted by the BOP. Defendant Polite asserts that the BOP Compensation Specialist has not given Defendant Polite credit for confinement from May 18, 2018 to January 8, 2019, and has granted jail time credit only from May 14, 2018 to May 17, 2018.

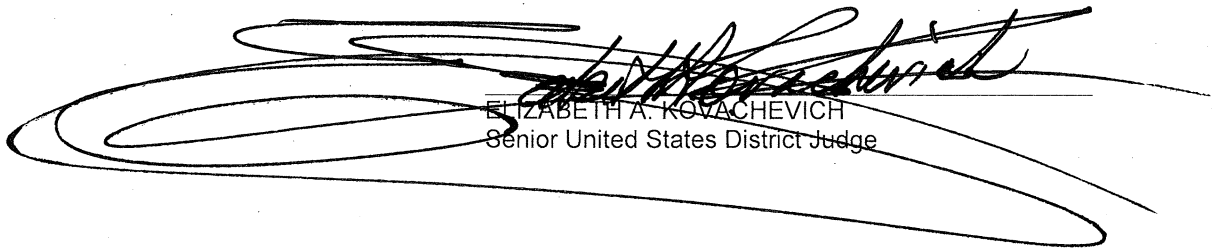
Defendant Polite does not indicate that Defendant Polite has exhausted the administrative remedies that are available to Defendant Polite within the BOP. Defendant Polite may seek relief in this Court only after exhaustion of administrative remedies. Before that time, the Court does have jurisdiction.

In ***United States v. Lucas***, 898 F.2d 1554 (11th Cir. 1990), the Eleventh Circuit held that the Attorney General has the initial discretion to determine credit for the defendant's time in custody prior to imposition of sentence, and he has delegated the right to make that determination to the Bureau of Prisons. The BOP has established regulations governing review of inmate complaints related to any aspect of imprisonment.

After consideration, the Court denies Defendant Polite's Motion for Time Credit While in Custody and Monitored by Ankle Monitor without prejudice. Accordingly, it is

ORDERED that *pro se* Defendant Kevin Polite's Motion for Time Credit While in Custody and Monitored by Ankle Monitor (Dkt. 89) is **denied without prejudice**. Defendant Kevin Polite **shall exhaust** administrative remedies before seeking further relief in this Court.

DONE and ORDERED in Chambers in Tampa, Florida on this 7th day of December, 2019.



ELIZABETH A. KOVACHEVICH
Senior United States District Judge

Copies to:

All parties and counsel of record

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